

Applicants respectfully request entry of the remarks made herein into the file history of the present invention. Reconsideration and withdrawal of the rejections set forth in the above-identified Office Action are respectfully requested.

I. The Rejection Under 35 U.S.C. § 102(a)

At page 3 of the Office Action, Claims 13-25 are rejected under 35 U.S.C. § 102(a) as being anticipated by Bengs *et al.* (WO 99/38594; hereinafter, '594) or Bengs *et al.* (WO 99/11695; hereinafter '695) or Bengs *et al.* (WO 99/52558; hereinafter, '558) or Bengs *et al.* (WO 99/52506; hereinafter, '506)(hereinafter, jointly, the "References"). The Office Action alleges that the References all teach the instant water insoluble, linear polyglucan microspheres within the instant diameter, and that Applicants cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 C.F.R. § 1.55. Applicants traverse respectfully.

Applicants respectfully direct Examiner's attention to the English translation of the foreign priority document, German Patent Application 198 60 373.8, attached hereto as Exhibit A in accordance with 37 C.F.R. § 1.55. Applicants respectfully point out that this priority application was filed December 28, 1998, and therefore predates the publication of the References. Thus, Applicants submit respectfully that the rejection of Claims 13-25, based on the References, under 35 U.S.C. § 102(a) has been overcome. Accordingly, Applicants request respectfully that the 35 U.S.C. § 102(a) rejection of Claims 13-25 be withdrawn.

CONCLUSION

Applicants submit respectfully that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should be directed to our address given below.

AUTHORIZATION

Applicants believe there is no fee due in connection with this filing. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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